

REMARKS

The Specification has been amended. Claims 1 - 2, 4 - 6, and 8 - 12 have been amended. Claim 3 has been cancelled from the application without prejudice. No new matter has been introduced with these amendments, all of which are supported in the specification as originally filed. Applicants are not conceding in this application that the claims that were amended and the claims that were cancelled are not patentable over the art cited by the Examiner, as the claim amendments and cancellations are directed toward facilitating expeditious prosecution of the application and allowance of all remaining claims at an early date. Applicants respectfully reserve the right to pursue the now-cancelled claims and other claims in one or more continuations and/or divisional patent applications. Claims 1 - 2 and 4 - 12 are now in the application.

I. Rejection under 35 U. S. C. §102(b)

Paragraph 2 of the Office Action dated May 11, 2007 (hereinafter, “the Office Action”) states that Claims 1 - 11 are rejected under 35 U.S.C. §102(b) as being anticipated by U. S. Patent 6,842,768 B1 to Shaffer et al. (hereinafter, “Shaffer”). This rejection is respectfully traversed.

Applicants have amended their independent Claims 1, 6, 10, and 12 herein to more clearly specify limitations of their claimed invention, and respectfully submit that Shaffer does not teach all limitations of these independent claims, as will now be demonstrated.

Referring first to Applicants’ independent Claim 1, this claim as currently presented

recites:

A method of providing autonomic content load balancing, comprising:
defining a plurality of alternative versions of a Web page to be served,
along with values of one or more conditions under which each of the alternative
versions should be selected;
receiving a request for the Web page;
determining current values of the conditions;
using the determined current values to select one of the alternative
versions; and
serving the selected version of the Web page, responsive to the request.
(emphasis added).

Applicants find no teaching, or any suggestion, in Shaffer of (at least) the above-underlined limitations of independent Claim 1. Page 5, first paragraph, of the Office Action cites col. 9, lines 18 - 20 and Fig. 5, item 240 as well as Fig. 6, fifth column for claim limitations of previously-presented Claim 3 which pertained to a Web page. Applicants respectfully disagree with the analysis provided in this paragraph of the Office Action, as it pertains to the “Web page” limitations now presented in independent Claim 1. Referring to Shaffer’s col. 9, lines 18 - 35 – and more particularly, to lines 19 - 23 – it can be seen that the “clickable links” described therein do not represent selectable Web page versions, but instead these “clickable links” represent a download time and are a mechanism for the user to select a “an appropriate compression ratio” for a particular message. Accordingly, Shaffer’s user might click the underlined download time of “3m10sec” in the first row of column 410 in table 400 of Fig. 6 to indicate that he would like “No Compression” on this “Outside Phone Call”; as an alternative, he might click the underlined download time of “47sec” in column 412 for this same row to indicate that he would like “Medium Compression” to be performed on this same outside phone call. However, there is no teaching or any suggestion that a “Web page” is being requested or that a version of a Web page

is being selected, in contrast to Applicants' Claim 1.

Furthermore, Applicants note that the first paragraph on Page 5 of the Office Action states "... which indicates that this user interface is a web page ...". Applicants do not deny that Fig. 6 "is" a sample user interface. However, that is not the claim language of Claim 1, and it is therefore irrelevant to the anticipation analysis.

In addition, Applicants respectfully disagree that the "Applet" 240 from Fig. 5 "further support[s]" an anticipation rejection of Claim 1, in contrast to the assertion in the first paragraph on Page 5 of the Office Action. Applet 240, as described by Shaffer, is not transmitting a Web page between a server and a client. See the discussion of Applet 240 at col. 6, lines 62 - 63 and col. 8, lines 42 - 45, indicating that the server may transmit a decompression applet to the client to ensure that the client can decompress a compressed file it receives from the server.

Applicants therefore respectfully submit that independent Claim 1 is patentable over Shaffer. Dependent Claims 2, 5, and 8 now depend from Claim 1, and these dependent claims are therefore considered patentable by virtue of (*inter alia*) the patentability of Claim 1.

Referring next to independent Claim 6, this claim as currently presented recites:

A method of using dynamically selectable content versions, comprising steps of:
receiving a request for content having selectable versions;
identifying at least one condition associated with the selectable versions;
determining a current value for each of the at least one identified

conditions;

determining a directory structure location associated with the content;
using the determined current value for each of the at least one identified
conditions to select a path within the directory structure location; and
using the selectable version of the content which is stored at the selected
path to create a response to the request. (emphasis added).

Applicants find no teaching, or any suggestion, in Shaffer of (at least) the above-underlined limitations of independent Claim 6. Refer to p. 21, line 4 - p. 23, line 2 of Applicants' specification and Figs. 6 - 7, where this approach of using a directory structure and paths for selectable versions is disclosed.

Applicants therefore respectfully submit that independent Claim 6 is patentable over Shaffer. Dependent Claims 4, 7, and 9 now depend from Claim 6, and these dependent claims are therefore considered patentable by virtue of (*inter alia*) the patentability of Claim 6.

Referring next to independent Claim 10, this claim as currently presented recites:

A computer-implemented system for providing autonomic content load balancing, comprising a processor and a memory coupled thereto, the memory storing instructions configured to:

receive a request for content, the content comprising at least two different portions, each of which has associated therewith a plurality of alternative versions and at least one condition, a current value of each condition being usable for selecting from among the alternative versions;

determine the current value of each of the at least one conditions associated with each of the different portions;

use the determined current values to select one of the alternative versions for each of the different portions; and

serve the content using the selected version for each of the different portions, responsive to the request. (emphasis added).

Applicants find no teaching, or any suggestion, in Shaffer of (at least) the above-underlined limitations of independent Claim 10. Page 7, second paragraph, of the Office Action cites Fig. 6, “TRANSFER TIME” column for claim limitations of previously-presented Claim 8 which pertained to “additional portions having selectable versions”. Applicants respectfully disagree with the analysis provided in this paragraph of the Office Action, as it pertains to the “at least two different portions, each of which has associated therewith a plurality of alternative versions” limitations now presented in independent Claim 10. Referring to Shaffer’s Fig. 6, it can be seen that the “TRANSFER TIME” column presents up to three selectable compression ratios for each message. In other words, there are up to three versions of each message; however, this is not what Applicants have claimed in Claim 10, and Applicants therefore respectfully submit that this cited Fig. 6 fails to teach or suggest “the content comprising at least two different portions, each of which has associated therewith a plurality of alternative versions” (emphasis added) in contrast to lines 6 - 7 of Applicants’ Claim 10.

Applicants therefore respectfully submit that independent Claim 10 is patentable over Shaffer. Dependent Claim 11 depends from Claim 10, and this dependent claim is therefore considered patentable by virtue of (*inter alia*) the patentability of Claim 10.

The Examiner is therefore respectfully requested to withdraw the §102 rejection.

II. Rejection under 35 U. S. C. §103(a)

Paragraph 4 of the Office Action states that Claim 12 is rejected under 35 U.S.C. §103(a)

as being unpatentable over Shaffer in view of Web publication “THE AUTOMATED DESIGN AND CODE WRITING SYSTEM” (hereinafter, “the Web publication”). This rejection is respectfully traversed.

Independent Claim 12, as currently presented, recites:

A computer program product for using dynamically selectable content versions, the computer program product embodied on one or more computer-readable media and comprising:
computer-readable program code for identifying at least one condition associated with content having a plurality of selectable versions;
computer-readable program code for determining a current value of each of the at least one identified conditions;
computer-readable program code for using the determined current value for each of the at least one identified conditions to select from among the selectable versions of the content; and
computer-readable program code for storing the selected version as the content. (emphasis added).

Applicants find no teaching, or any suggestion, in Shaffer of (at least) the above-underlined limitations of independent Claim 12. Refer to p. 29, lines 3 - 6 of Applicants’ specification, where this approach of selecting a version of content for storing is disclosed. By contrast, Shaffer discusses use of “current connection speed” (Abstract, line 3) and “channel speed” (Abstract, line 4) for determining which compression to use for transmitting data over the current connection. Applicants respectfully submit that this is distinct from the claim limitations of Claim 12 as currently presented. Applicants also fail to find such teaching or suggestion in the Web publication, and therefore respectfully submit that the cited references cannot be combined to render Claim 12 unpatentable.

The Examiner is therefore respectfully requested to withdraw the §103 rejection.

III. Conclusion

Applicants respectfully request reconsideration of the pending rejected claims, withdrawal of all presently outstanding rejections, and allowance of all remaining claims at an early date.

Respectfully submitted,

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